



## 41 CFR Chapters 101, 102, 105, 300, 301, 302, and 304

## 48 CFR Chapter 5

### Unified Agenda of Federal Regulatory and Deregulatory Actions

**AGENCY:** General Services Administration (GSA).

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2020 edition. This agenda was developed under the guidelines of Executive Orders 12866 “Regulatory Planning and Review,” and Executive Order 13563 “Improving Regulation and Regulatory Review.” GSA’s purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. Published proposed rules may be reviewed in their entirety at the Government’s rulemaking website at <http://www.regulations.gov>.

Since the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA’s printed agenda entries include only:

- (1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
- (2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory

Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

**FOR FURTHER INFORMATION CONTACT:** Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street, NW, 2<sup>nd</sup> Floor, Washington, DC 20405-0001, 202-501-2735.

**Dated: March 11, 2021.**

**Krystal J. Brumfield,**

Associate Administrator, Office of Government-wide Policy.

### General Services Administration—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 210             | General Services Acquisition Regulation (GSAR); GSAR Case 2016-G511, Contract Requirements for GSA Information Systems  | 3090–AJ84                    |
| 211             | General Services Acquisition Regulation (GSAR); GSAR Case 2019-G503, Streamlining GSA Commercial Contract Clause Requirements                                 | 3090–AK09                    |
| 212             | General Services Acquisition Regulation (GSAR); GSAR Case 2020-G502, Increasing Order Level Competition for Federal Supply Schedules                          | 3090–AK15                    |
| 213             | General Service Acquisition Regulation (GSAR); GSAR Case 2020-G503, Increasing Order Level Competition for Indefinite-Delivery, Indefinite-Quantity Contracts | 3090–AK16                    |
| 214             | General Service Acquisition Regulation (GSAR); GSAR Case  | 3090–AK17                    |

|     |  |           |
|-----|--|-----------|
|     | 2020-G504, Federal Supply Schedule Catalog Management  |           |
| 215 | General Service Acquisition Regulation (GSAR); GSAR Case 2020-G505, Clarify Commercial Products and Services Contract Terms and Conditions                 | 3090–AK18 |
| 216 | General Service Acquisition Regulation (GSAR); GSAR Case 2020-G509, Extending Federal Supply Schedule Orders Beyond the Contract Term                      | 3090–AK19 |
| 217 | General Service Acquisition Regulation (GSAR); GSAR Case 2020-G510, Federal Supply Schedule Economic Price Adjustment                                      | 3090–AK20 |
| 218 | General Service Acquisition Regulation (GSAR); GSAR Case 2020-G511, Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules           | 3090–AK21 |
| 219 | General Service Acquisition Regulation (GSAR); GSAR Case 2020-G512, System for Award Management Representation for Leases                                  | 3090–AK22 |
| 220 | General Service Acquisition Regulation (GSAR); GSAR Case 2020-G513, Lease Payment Procedures   | 3090–AK23 |
| 221 | General Service Acquisition Regulation (GSAR); GSAR Case 2020-G534, Extension of Certain Telecommunication Prohibitions to Lease Acquisitions              | 3090–AK29 |
| 222 | General Services Acquisition Regulation (GSAR); GSAR Case 2021–G505, Amending Prescriptions for Including FAR Provisions and Clauses in Lease Procurements | 3090–AK36 |
| 223 | General Services Acquisition Regulation (GSAR); GSAR Case 2021–G522, Contract Requirements for High-Security Leased  | 3090–AK39 |

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## General Services Administration—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 224             | General Service Acquisition Regulation (GSAR); GSAR Case 2020-G517, Contracting Exemption for Regulated Utilities | 3090–AK24                    |

| General Services Administration (GSA) | Proposed Rule Stage |
|---------------------------------------|---------------------|
|                                       |                     |

## OFFICE OF ACQUISITION POLICY

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### 210. GENERAL SERVICES ACQUISITION REGULATION (GSAR); GSAR CASE 2016–G511, CONTRACT REQUIREMENTS FOR GSA INFORMATION SYSTEMS

**Legal Authority:** 40 U.S.C. 121(c)

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline and update requirements for contracts that involve GSA information systems. GSA's policies on cybersecurity and other information technology requirements have been previously issued and communicated by the Office of the Chief Information Officer through the GSA public website. By incorporating these requirements into the GSAR, the GSAR will provide centralized guidance to ensure consistent application across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.

This rule will require contracting officers to incorporate applicable GSA cybersecurity requirements within the statement of work to ensure compliance with Federal cybersecurity requirements and implement best practices for preventing cyber incidents. Contract requirements for internal information systems, external contractor systems, cloud systems, and mobile systems will be covered by this rule. This rule will also update existing GSAR provision 552.239-70, Information Technology Security Plan and Security Authorization, and GSAR clause 552.239-71, Security Requirements for Unclassified Information Technology Resources, to only require the provision and clause when the contract will involve information or information systems connected to a GSA network.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 07/00/21 |         |
| NPRM Comment Period End | 09/00/21 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Johnnie McDowell, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405

Phone: 202 718–6112

Email: [johnnie.mcdowell@gsa.gov](mailto:johnnie.mcdowell@gsa.gov)

**RIN:** 3090–AJ84

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## **211. GENERAL SERVICES ACQUISITION REGULATION (GSAR); GSAR CASE 2019–G503, STREAMLINING GSA COMMERCIAL CONTRACT CLAUSE REQUIREMENTS**

**Legal Authority:** 40 U.S.C. 121(c)

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline requirements for GSA commercial contracts. This rule will update GSAR Clauses 552.212-71 and 552.212-72 to remove any requirements that are not necessary by law or Executive Order.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 09/00/21 |         |
| NPRM Comment Period End | 11/00/21 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Johnnie McDowell, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405

Phone: 202 718-6112

Email: johnnie.mcdowell@gsa.gov

**RIN:** 3090-AK09

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## **212. GENERAL SERVICES ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G502, INCREASING ORDER LEVEL COMPETITION FOR FEDERAL SUPPLY SCHEDULES**

**Legal Authority:** 40 U.S.C. 121(c); Pub. L. 115-232 sec. 876

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to implement section 876 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232) as it relates to Federal Supply Schedule contracts. Section 876 amended 41 U.S.C. 3306(c) by providing an exception to the requirement to consider price as an evaluation factor for the award of certain indefinite-delivery, indefinite-quantity contracts and Federal Supply Schedule contracts. A separate case, GSAR Case 2020-G503, will address the implementation of Section 876 in relation to other indefinite-delivery, indefinite-quantity contracts.

### **Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| ANPRM                | 08/19/20 | 85 FR 50989 |
| ANPRM Comment Period | 09/18/20 |             |

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|-------------------------|----------|--|
| End                     |          |  |
| NPRM                    | 09/00/21 |  |
| NPRM Comment Period End | 11/00/21 |  |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405

Phone: 202 445-0390

Email: [thomas.olinn@gsa.gov](mailto:thomas.olinn@gsa.gov)

**RIN:** 3090-AK15

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**213. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G503, INCREASING ORDER LEVEL COMPETITION FOR INDEFINITE-DELIVERY, INDEFINITE-QUANTITY CONTRACTS**

**Legal Authority:** 40 U.S.C. 121(c); Pub. L. 115-232, sec. 876

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to implement Section 876 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232) as it relates to certain indefinite-delivery, indefinite-quantity contracts. Section 876 amended 41 U.S.C. 3306(c) by providing an exception to the requirement to consider price as an evaluation factor for the award of certain indefinite-delivery, indefinite-quantity contracts and Federal Supply Schedule contracts. A separate case, GSAR Case 2020-G502, will address the implementation of Section 876 in relation to Federal Supply Schedule contracts.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 09/00/21 |         |
| NPRM Comment Period End | 11/00/21 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405

Phone: 202 445-0390

Email: thomas.olinn@gsa.gov

**RIN:** 3090-AK16

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## **214. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G504, FEDERAL SUPPLY SCHEDULE CATALOG MANAGEMENT**

**Legal Authority:** 40 U.S.C. 121(c)

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to consolidate all terms related to Federal Supply Schedule catalog management, which are currently spread across multiple clauses, into one consolidated clause.

### **Timetable:**

| <b>Action</b>           | <b>Date</b> | <b>FR Cite</b> |
|-------------------------|-------------|----------------|
| NPRM                    | 06/00/21    |                |
| NPRM Comment Period End | 08/00/21    |                |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405

Phone: 202 445-0390

Email: thomas.olinn@gsa.gov

**RIN:** 3090-AK17

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## **215. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G505, CLARIFY COMMERCIAL PRODUCTS AND SERVICES CONTRACT TERMS AND CONDITIONS**

**Legal Authority:** 40 U.S.C. 121(c)



**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Acquisition Regulation (GSAR) to clarify commercial products and services contract terms and conditions. This rule will update GSAR Clause 552.212-4 to clarify the prescription and language applicable for the different clause alternates.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 08/00/21 |         |
| NPRM Comment Period End | 10/00/21 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Johnnie McDowell, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405

Phone: 202 718–6112

Email: [johnnie.mcdowell@gsa.gov](mailto:johnnie.mcdowell@gsa.gov)

**RIN:** 3090–AK18

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**216. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020–G509,  
EXTENDING FEDERAL SUPPLY SCHEDULE ORDERS BEYOND THE CONTRACT TERM**

**Legal Authority:** 40 U.S.C. 121(c)

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to clarify, update, and incorporate existing Federal Supply Schedule (FSS) program policies and procedures regarding performance of orders beyond the term of the base FSS contract. Specifically, the local FSS program policy titled I-FSS-163 Option to Extend the Term of the Contract (Evergreen) will be incorporated.

**Timetable:**

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

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|-------------------------|----------|--|
| NPRM                    | 06/00/21 |  |
| NPRM Comment Period End | 08/00/21 |  |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405

Phone: 202 445-0390

Email: thomas.olinn@gsa.gov

**RIN:** 3090-AK19

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## 217. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G510, FEDERAL SUPPLY SCHEDULE ECONOMIC PRICE ADJUSTMENT

**Legal Authority:** 40 U.S.C. 121(c)

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to clarify, update, and incorporate Federal Supply Schedule (FSS) program policies and procedures regarding economic price adjustment. This rule will update GSAR Clause 552.216-70 to incorporate the clause alternates in GSA's existing class deviation CD-2019-14.

### Timetable:

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 09/00/21 |         |
| NPRM Comment Period End | 11/00/21 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405

Phone: 202 445-0390

Email: [thomas.olinn@gsa.gov](mailto:thomas.olinn@gsa.gov)

**RIN:** 3090–AK20

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**218. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020–G511, UPDATED GUIDANCE FOR NON–FEDERAL ENTITIES ACCESS TO FEDERAL SUPPLY SCHEDULES**

**Legal Authority:** 40 U.S.C. 121(c); 40 U.S.C. 502

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline and clarify the requirements for use of Federal Supply Schedules by eligible Non-Federal Entities, such as state and local governments. Eligible Non-Federal Entities are able to use Federal Supply Schedules based on authority from various laws, including 40 U.S.C. 502(c).

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 09/00/21 |         |
| NPRM Comment Period End | 11/00/21 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405

Phone: 202 445–0390

Email: [thomas.olinn@gsa.gov](mailto:thomas.olinn@gsa.gov)

**RIN:** 3090–AK21

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**219. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020–G512, SYSTEM FOR AWARD MANAGEMENT REPRESENTATION FOR LEASES**

**Legal Authority:** 40 U.S.C. 121(c)

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to remove the requirement for lease offerors for non-high-security space to have an active System for Award Management (SAM) registration when submitting offers and instead allow offers up until the time of award to obtain an active SAM registration. Entities seeking Federal leases differ from the typical entities seeking Federal contracts in that common practice is to form a new entity for every new lease offer. Requiring representations from these entities prior to offer submission restricts competition.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 11/00/21 |         |
| NPRM Comment Period End | 01/00/22 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Marten Wallace, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405

Phone: 202 969-7736

Email: [marten.wallace@gsa.gov](mailto:marten.wallace@gsa.gov)

**RIN:** 3090-AK22

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## **220. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G513, LEASE PAYMENT PROCEDURES**

**Legal Authority:** 40 U.S.C. 121(c)

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to establish a new clause to allow for a pass-through of taxes under payments for lease construction. The real estate tax base for a newly built or renovated building is uncertain until a tax assessment is completed, which can be a year or more after occupancy in some jurisdictions. Removing the tax base from the shell rent of a lease and providing a pass-through of the real estate taxes in lieu of a real estate tax adjustment over a base during the term of the lease will

remove an element of risk from the pricing of rent, will result in greater competition, and will lower rental rates.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 12/00/21 |         |
| NPRM Comment Period End | 02/00/22 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Marten Wallace, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405

Phone: 202 969–7736

Email: [marten.wallace@gsa.gov](mailto:marten.wallace@gsa.gov)

**RIN:** 3090–AK23

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**221. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020–G534,  
EXTENSION OF CERTAIN TELECOMMUNICATION PROHIBITIONS TO LEASE ACQUISITIONS**

**Legal Authority:** 40 U.S.C. 121(c); 5 U.S.C. 801; Pub. L. 115–232 sec. 889

**Abstract:**

The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to extend the requirements of section 889 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232) to lease acquisitions by requiring inclusion of the related Federal Acquisition Regulation (FAR) provisions and clause. Generally, the FAR does not apply to leasehold acquisitions of real property. However, several FAR provisions have been adopted based on statutory requirements through GSAR part 570. Section 889 applies to Government lease acquisitions and extension of the FAR requirements will ensure compliance.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 07/00/21 |         |
| NPRM Comment Period End | 09/00/21 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405

Phone: 817 253-7858

Email: [stephen.carroll@gsa.gov](mailto:stephen.carroll@gsa.gov)

**RIN:** 3090-AK29

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**222. • GENERAL SERVICES ACQUISITION REGULATION (GSAR); GSAR CASE 2021-G505, AMENDING PRESCRIPTIONS FOR INCLUDING FAR PROVISIONS AND CLAUSES IN LEASE PROCUREMENTS**

**Legal Authority:** 40 U.S.C. 121(c)

**Abstract:**

The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to revise the prescriptions for FAR provisions and clauses that apply to lease solicitations and contracts. Additionally, GSA is proposing to make conforming changes to some provision and clause titles and numbers listed to align with the FAR, along with other editorial changes.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/21 |         |

|                         |          |  |
|-------------------------|----------|--|
| NPRM Comment Period End | 10/00/21 |  |
|-------------------------|----------|--|

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Christina Mullins, Director, GSA Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405

Phone: 202 969–4066

Email: christina.mullins@gsa.gov

**RIN:** 3090–AK36

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**223. • GENERAL SERVICES ACQUISITION REGULATION (GSAR); GSAR CASE 2021–G522, CONTRACT REQUIREMENTS FOR HIGH-SECURITY LEASED SPACE**

**Legal Authority:** 40 U.S.C. 121(c); Pub. L. 116–276

**Abstract:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to incorporate contractor disclosure requirements and access limitations for high-security leased space pursuant to the Secure Federal Leases Act (Pub. L. 116-276). Covered entities are required to identify whether the immediate, highest-level, or beneficial owner of a high-security leased space, including an entity involved in the financing thereof, is a foreign person or entity when first submitting a proposal and annually thereafter.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 09/00/21 |         |
| NPRM Comment Period End | 11/00/21 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Marten Wallace, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405

Phone: 202 969–7736

Email: marten.wallace@gsa.gov

| General Services Administration (GSA) | Completed Actions |
|---------------------------------------|-------------------|
|                                       |                   |

**224. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020–G517,  
CONTRACTING EXEMPTION FOR REGULATED UTILITIES**

**Legal Authority:** 40 U.S.C. 121(c)

**Abstract:** The General Services Administration (GSA) is withdrawing this case because it has been determined the changes required are non-regulatory, internally focused guidance.

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 02/24/21 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Clarence Harrison

Phone: 202 227–7051

Email: [clarence.harrison@gsa.gov](mailto:clarence.harrison@gsa.gov)

RIN: 3090–AK24

**BILLING CODE 6820–34–P**

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